

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

GREGORY J. KUDASZ,)	
)	
Plaintiff,)	
v.)	
MANATRON INC.,)	Civil Action No. 3:10CV106
GREGORY A. EFFREIN,)	
DOES 1-30, INCLUSIVE,)	
)	
Defendants.)	

MANATRON, INC.'S RESPONSE TO PLAINTIFF'S MOTION TO STRIKE

COMES NOW Defendant Manatron, Inc. ("Manatron"), by and through the undersigned counsel, and files its response to Plaintiff's "Motion to Strike Manatron Inc.'s Motion for Extension to Time to Plead or Otherwise Respond to Plaintiff's Complaint." In support of its response, Manatron respectfully states the following:

1. Plaintiff Gregory J. Kudas ("Plaintiff") has informed counsel for Manatron that he will be withdrawing his Motion to Strike. As a result, a substantive response to Plaintiff's Motion is unnecessary.

2. On April 14, 2010, Manatron filed its Motion for Extension to Time to Plead or Otherwise Respond to Plaintiff's Complaint. (Doc. No. 12.) Later that day, the Court issued an Order granting Manatron's Motion and extending the deadline by which Manatron must respond to Plaintiff's Complaint to May 11, 2010. (Doc. No. 13.)

3. On April 15, 2010, Plaintiff filed a Motion to Strike Manatron's motion for an extension of time. (Doc. No. 15.)

4. On April 18, 2010, Plaintiff e-mailed counsel for Manatron and stated: "I am planning to withdraw my motion to strike as it is doubtful I will add defendants before the statute of limitations expires for certain issues. I'm recovering from an illness so it may be a week or so before I draw up the next motion." (*See* Plaintiff's April 18, 2010 e-mail to counsel for Manatron entitled "Update," attached as Attachment A.)

5. On May 2, 2010, Plaintiff again e-mailed counsel for Manatron and reaffirmed his intent to withdraw the Motion to Strike, stating, in pertinent part, "I will file motions Tuesday complying with your consents." One such "motion" to which Plaintiff refers is his motion to withdraw his Motion to Strike. (*See* Plaintiff's May 2, 2010 e-mail to counsel for Manatron entitled "Kudas v. Manatron/Effrein – Consultation per Local Rule LCvR 7.1(B) – ER 206857," attached as Attachment B.)

6. While Manatron believes in good faith that Plaintiff will file such a withdrawal of his Motion to Strike, Manatron's response to Plaintiff's Motion to Strike is due on or about Monday, May 3, 2010. Out of an abundance of caution, and in expectation of Plaintiff's filing of a withdrawal of his Motion to Strike, Manatron submits this response.

WHEREFORE, Defendant Manatron, Inc. respectfully requests that Plaintiff's Motion to Strike be denied as moot.

Dated this the 3rd day of May, 2010.

Respectfully submitted,

s/H. Bernard Tisdale III

NC Bar No. 23980

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CERTIFICATE OF SERVICE

I, H. Bernard Tisdale III, hereby certify that I have this day electronically filed the foregoing **MANATRON, INC.'S RESPONSE TO PLAINTIFF'S MOTION TO STRIKE** with the Clerk of Court using the CM/ECF system, which will send notification of the filing to the following person:

Gregory J. Kudasz
Pro Se Plaintiff
3611 Mount Holly Huntersville Road
STE 204 Box 386
Charlotte, NC 28216-8706
Email: greg@title11.org

Dated this the 3rd day of May, 2010.

s/H. Bernard Tisdale III
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